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Report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978)

1. The present report is submitted pursuant to the statement of 20 April 2000 by the President of the Security Council (S/PRST/2000/13) in which the Council, *inter alia*, welcomed my decision to initiate preparations to enable the United Nations to carry out its responsibilities under resolutions 425 (1978) and 426 (1978). As requested by the Security Council, the present report contains my conclusions and recommendations regarding the plans and requirements for the implementation of those two resolutions and all other relevant resolutions.

Introduction

2. In resolution 425 (1978), the Security Council called on Israel to withdraw from all Lebanese territory and, at the request of the Government of Lebanon, decided to establish a United Nations force in Lebanon under the authority of the Security Council. Israel has remained in Lebanon in contravention of resolution 425 (1978). On 17 April 2000, I received formal notification from the Government of Israel that it would withdraw its forces from Lebanon by July 2000 "in full accordance with Security Council resolutions 425 (1978) and 426 (1978)." I was further informed that in so doing the Government of Israel intended "to cooperate fully with the United Nations" (see S/2000/322).

3. Also on 17 April, I informed the Security Council that, having received that notification, I would initiate preparations to enable the United Nations to carry out its responsibilities under those resolutions. As a first step, I sent my Special Envoy, Terje Roed-Larsen, together with the Force Commander of the United Nations Interim Force in Lebanon (UNIFIL) and a team of experts, to meet with the Governments of Israel and Lebanon and concerned Member States in the region, including Egypt, Jordan and the Syrian Arab Republic. The delegation also met with the Palestine Liberation Organization and the League of Arab States. Parallel to that mission, which took place between 26 April and 9 May 2000, I consulted with interested Member States, including those contributing troops to UNIFIL.

Mission of the Special Envoy

4. In Israel, my Special Envoy and his delegation met with the Prime Minister, Ehud Barak, the Minister for Foreign Affairs, David Levy, the Chief of Staff of the Israel Defence Forces, General Shaul Mofaz, and a wide range of technical and military experts. In Lebanon, the delegation met President Émile Lahoud, the Prime Minister and Minister for Foreign Affairs, Salim El-Hoss, other government officials, and the President of the National Assembly, Nabih Berri. In the Syrian Arab Republic, the delegation met the Minister for Foreign Affairs, Farouk Al-Shara'. In Jordan, the delegation was received by King Abdullah and the Minister for Foreign Affairs, Abdul Ilah El-Khatib. In Egypt, the Minister for Foreign Affairs, Amre Moussa, met with the delegation. In Gaza, my Special Envoy met the President of the Palestinian Authority and Chairman of the Executive Committee of the Palestine Liberation Organization, Yasser Arafat. In Cairo, he and his delegation also met with the Secretary-General, Ahmed Esmat Abdel-Meguid, and senior officials of the League of Arab States.

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5. During his mission, my Special Envoy and his delegation reviewed the requirements established under resolutions 425 (1978) and 426 (1978) and discussed how those resolutions could be implemented fully. At each of the meetings, my Special Envoy received assurances of full cooperation from his interlocutors as the United Nations undertakes to fulfil its responsibilities under resolutions 425 (1978) and 426 (1978) and other relevant resolutions.

Resolution 425 (1978)

6. Resolution 425 (1978) established two requirements. First, the Security Council called for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries. Second, the Security Council called upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory.

7. The Security Council also decided, in the light of the request of the Government of Lebanon, to establish immediately a United Nations interim force for southern Lebanon. This interim force was created for three broadly defined purposes:

(a) Confirming the withdrawal of Israeli forces;

(b) Restoring international peace and security;

(c) Assisting the Government of Lebanon in ensuring the return of its effective authority in the area.

8. In resolution 426 (1978), the Security Council approved the report of the Secretary-General on the implementation of resolution 425 (1978). That report contained, *inter alia*, guidelines for the operations of UNIFIL which would continue to be applicable.

9. The United Nations has not previously been in a position to implement the responsibilities mandated by the Security Council since 1978. It is hoped that the notification on 17 April 2000 by the Government of Israel will lead to the full withdrawal of Israeli forces from Lebanon in accordance with resolution 425 (1978) by July 2000.

10. During the mission of my Special Envoy, United Nations cartographic, legal and military experts examined the technical issues that would need to be addressed in the context of the implementation of resolution 425 (1978). The recommendations contained in the present report are the result of those assessments.

Identifying a line for the purpose of confirming the Israeli withdrawal

11. For the practical purpose of confirming the Israeli withdrawal, the United Nations needs to identify a line to be adopted conforming to the internationally recognized boundaries of Lebanon based on the best available cartographic and other documentary material. The United Nations will then identify physically, on the ground, those portions of the line necessary or relevant to confirming the withdrawal of Israeli forces. In the southern part of the country, Lebanon shares a border with Israel and, in the eastern part, with the Syrian Arab Republic.

12. The United Nations stressed in its consultations with all the parties that it was not seeking to establish an international border, as this was a matter for States to undertake in accordance with international law and practice. Rather, the United Nations was requesting the help of the parties and others in the purely technical exercise of identifying a line for the purpose of confirming compliance with resolution 425 (1978). Whatever line the United Nations uses will be without prejudice to future border agreements between the Member States concerned.

13. The international boundary between Israel and Lebanon was established pursuant to the 1923 Agreement between France and Great Britain entitled "Boundary Line between Syria and Palestine from the Mediterranean to El Hamme". This line was reaffirmed in the Israeli-Lebanese General Armistice Agreement signed on 23 March 1949. Subsequently there were several modifications mutually agreed by Israel and Lebanon. The parties have cooperated with the United Nations in the process of gathering cartographic information necessary for identifying this line. The United Nations has prepared a map based on that information and will mark portions of the line on the ground relevant to the purpose of confirming the withdrawal.

14. Concerning that portion of Lebanon's border that it shares with the Syrian Arab Republic relevant to the Israeli withdrawal, there seems to be no official record of a formal international boundary agreement between Lebanon and the Syrian Arab Republic that could

easily establish the line for the purpose of confirming the withdrawal. On 4 May 2000, the Government of Lebanon informed my Special Envoy that certain farmlands in the Shab'a area located outside the area of operations of UNIFIL as defined since 1978 would be claimed by Lebanon in the context of the requirement under resolution 425 (1978) that Israel withdraw from Lebanon.

15. Once the Government of Lebanon informed the United Nations of its new position regarding the definition of its territory, the United Nations requested the Governments of Lebanon and the Syrian Arab Republic, as well as other Member States in possession of pertinent information, to provide the United Nations with documentation related to the Lebanese-Syrian border.

16. The Government of Lebanon subsequently provided the United Nations with title deeds of Lebanese ownership of farmlands in this area, as well as with documentation indicating that Lebanese governmental and religious institutions had enjoyed, at various points in time, jurisdiction over those farmlands. The Government of Lebanon informed the United Nations of a joint understanding between Lebanon and the Syrian Arab Republic that the farmlands were Lebanese, including a decision of a joint Lebanese-Syrian border committee that concluded in 1964 that the area was Lebanese and that the international border should be redefined consistent with that conclusion. In a telephone conversation with me on 16 May 2000, the Syrian Foreign Minister, Mr. Al-Shara', stated that the Syrian Arab Republic supported Lebanon's claim.

17. On 15 May 2000, the United Nations received a map, dated 1966, from the Government of Lebanon which reflected the Government's position that these farmlands were located in Lebanon. However, the United Nations is in possession of 10 other maps issued after 1966 by various Lebanese government institutions, including the Ministry of Defence and the army, all of which place the farmlands inside the Syrian Arab Republic. The United Nations has also examined six maps issued by the Government of the Syrian Arab Republic, including three maps since 1966, which place the farmlands inside the Syrian Arab Republic. On the basis of the Agreement on Disengagement between Israeli and Syrian forces of 31 May 1974 and its Protocol concerning the United Nations Disengagement Observer Force (UNDOF), which included maps initialled by Israel and the Syrian Arab Republic, the Shab'a farmlands fall within the scope of the area of operations of UNDOF. The area coming under the mandate of UNDOF has remained unchanged until the present time. It follows that in adopting resolutions 425 (1978) and 426 (1978), the Security Council could not have included as part of the UNIFIL area of operations an area which had already formed part of the UNDOF area of operations. It is worth noting that, notwithstanding the conflicting evidence to which I have alluded, and whatever the present understanding between Lebanon and the Syrian Arab Republic, these farmlands lie in an area occupied by Israel since 1967 and are therefore subject to Security Council resolutions 242 (1967) and 338 (1973) calling for an Israeli withdrawal from occupied territory. (A total of 81 maps were available to the United Nations from various sources dating from before and after 1966; 25 of these were issued by the Governments of Lebanon and the Syrian Arab Republic.)

18. In the light of these recent developments and of all the documents in the United Nations possession as reviewed, I recommend to the Security Council that a viable solution, which is without prejudice to the positions of Lebanon and the Syrian Arab Republic concerning their international boundaries, would be to proceed on the basis of the line separating the areas of operation of UNIFIL and UNDOF along the relevant portions of the Lebanese-Syrian boundary. It bears repeating that the adoption of this line by the United Nations for the practical purpose of confirming the Israeli withdrawal from Lebanon in compliance with resolution 425 (1978) is without prejudice to any internationally recognized border agreement that Lebanon and the Syrian Arab Republic may wish to conclude in the future.

19. This UNIFIL-UNDOF line coincides with the border line most commonly found on maps issued by the Government of Lebanon, including those published after 1966. This line has also been accepted by the Government of Lebanon for 22 years in the context of the UNIFIL area of operations. In addition, this same line was approved by the Governments of Israel and the Syrian Arab Republic in their 1974 Disengagement Agreement, and it has thus defined the UNDOF area of operations for 26 years. Finally, this line would not prejudice the existing areas of operation of UNIFIL and UNDOF as approved by the Security Council,

which would be the case if the Shab'a farmlands were redefined as part of the UNIFIL and not the UNDOF area of operations.

20. As soon as the Security Council has made its decision, the technical work of identifying relevant parts of the Lebanon-Israel and Lebanon-Syrian Arab Republic lines on the ground will begin for the purpose of implementing resolution 425 (1978). To begin this task, which will entail field work along the Lebanon-Israel and Lebanon-Syrian Arab Republic lines, the United Nations will require the cooperation of the Governments of Israel, Lebanon and the Syrian Arab Republic.

Requirements for confirming an Israeli withdrawal in compliance with resolution 425 (1978)

21. For the United Nations to confirm that a complete withdrawal has taken place in accordance with resolution 425 (1978), the following requirements will have to be met by the Government of Israel:

(a) Israel must withdraw its military forces and civilian personnel from all Lebanese territory, which, by definition, includes Lebanon's airspace and territorial waters;

(b) It is the responsibility of the Government of Israel to ensure that the de facto force, known as the South Lebanon Army, ceases to exist. This will be necessary for the withdrawal to be considered complete. As has been described in previous reports to the Security Council, SLA is funded and supplied by the Israel Defence Forces, and is fully integrated into Israel's operations and command structure in southern Lebanon. Therefore, as SLA is a part of Israel's presence in Lebanon, a withdrawal that left SLA in place as an effective military force could not be considered complete. Moreover, it would ensure the continuation of hostilities. The following steps are essential:

(i) The command structure of SLA must be dismantled;

(ii) Logistical support and supplies of any type from the Government of Israel must cease;

(iii) Heavy weapons in the possession of SLA, including tanks, artillery and mortars, must be removed or destroyed;

(c) All detainees currently held in Al-Khiam prison must be returned to the legitimate Lebanese authorities. It would be useful to use the good offices of the International Committee of the Red Cross to facilitate the return of such detainees.

Security and safety of personnel of the Force, and cooperation with the parties

22. It is not possible to predict how the security situation in southern Lebanon will evolve in the wake of the expected withdrawal. The concept of operations that is presented in this report provides the UNIFIL Force Commander with the flexibility that he requires to deploy his forces in a manner that would meet the requirements of resolution 425 (1978) and takes into account the need to ensure the safety and security of the peacekeeping troops.

23. The area currently occupied by the Israel Defence Forces and the de facto forces has been the scene of fighting for many years and could remain volatile before, during and after the Israeli withdrawal. It will therefore be crucial for the parties to do their part to calm the situation and cooperate fully with the United Nations in its efforts to stabilize the situation and restore international peace and security. In this connection, the security of United Nations personnel is a central concern. Since the Force's establishment in 1978, 77 members of UNIFIL have lost their lives and 343 have been wounded as a direct result of firing or bomb explosions. The Force's modus operandi and its equipment must reflect these security concerns. Above all, the security of United Nations personnel will depend on the parties. It is incumbent upon them to ensure that those under their command or associated with them, at all levels, respect the international status of United Nations personnel.

24. It should be recalled that the responsibility for ensuring safety and security lies with the competent authorities of the Government of any State. Pursuant to this principle, the Government of Lebanon has the primary responsibility for ensuring the safety and security on and of Lebanese territory. Such safety and security is also to be extended to UNIFIL and its personnel. In this connection, I welcomed the statement

made by President Lahoud on 5 May 2000, in which he confirmed that Lebanon would work to ensure the security and safety of UNIFIL. It should also be recalled that the Government of Lebanon and the United Nations concluded an agreement on the status of UNIFIL in 1995, which provides for the privileges and immunities, rights and facilities necessary for the fulfilment of the tasks of UNIFIL and all its military and civilian members. With the withdrawal of Israeli and de facto forces, UNIFIL will rely on the Government to meet fully its commitments under that agreement.

25. UNIFIL will continue to require the same freedom of movement that it has had since 1978, including across the Lebanese-Israeli border. The Force's logistics and supply lines are dependent on this cross-border movement. The Governments of Israel and Lebanon have indicated to the United Nations that this will be the case.

Operations of the Force to confirm the withdrawal

26. For the purpose of confirming the withdrawal, UNIFIL will dispatch verification teams protected by infantry detachments in armoured vehicles and supported by helicopters. The teams will also be accompanied by engineers to deal with unexploded ordnance and mines in the area. In this connection, I welcome the commitment given by the Government of Israel to my Special Envoy to provide detailed information on the location of mines. The verification teams will move throughout the area to confirm whether the positions held by Israeli forces and SLA have been vacated and whether Israel has withdrawn its military forces and civilians from Lebanon. A continued Israeli presence in Lebanon, including the continued functioning of SLA, will mean that the United Nations will not be able to confirm a complete withdrawal. Should the Israeli withdrawal fall short of the requirements for the United Nations to certify compliance with resolution 425 (1978), I will revert to the Security Council.

Restoring international peace and security

27. Before the reinforcement and redeployment of UNIFIL, I will first confirm to the Security Council that a full withdrawal has taken place in fulfilment of the requirements of resolutions 425 (1978) and 426 (1978) and that there are adequate conditions of security for UNIFIL troops in its area of operations. Following the redeployment, the Force's area of operations would include the area between the eastern and western parts of its current area of deployment and the stretch of land along the international boundary. UNIFIL would use its best efforts to help prevent the recurrence of fighting and to create the conditions for the restoration of the effective authority of the Government of Lebanon in this area.

Assisting the Government of Lebanon in ensuring the return of its effective authority in the area

28. As soon as the United Nations has confirmed that the Israeli withdrawal has been completed in compliance with the requirements established in the present report, the Government of Lebanon should resume the normal responsibilities of a State throughout the area. The Government of Lebanon has informed the United Nations that it will re-establish local civilian administration functions in the area previously occupied by Israel. This will include the assumption of law and order functions through the re-establishment of civilian police forces. The United Nations cannot assume law and order functions which are properly the responsibility of the Government. The Lebanese armed forces should ensure that all national territory falls under the effective authority of the Government. With these actions by the Government of Lebanon, UNIFIL would complete its mission in Lebanon.

29. The Government of Lebanon has assured the United Nations that in re-establishing its authority in the area previously controlled by Israel and SLA the Government will treat the inhabitants of the formerly occupied zone as equal citizens of Lebanon, in accordance with Lebanese law and in respect for the principles of the rule of law and international human rights standards. Over the past two weeks, the senior leadership of the Government of Lebanon has made a

number of reassuring public statements in this regard which I have welcomed. During his meetings in Beirut, the Government informed my Special Envoy that it would accept the assistance of the International Committee of the Red Cross. The President of Lebanon also cited the example of Jezzine where, after the withdrawal of Israeli forces in 1999, there was a smooth return of the authority of the Government, including the resumption of law and order functions. The President and the Prime Minister affirmed to my Special Envoy that the Government of Lebanon would not tolerate acts of vengeance.

30. The Government of Lebanon, together with the United Nations Development Programme, has developed a plan for the reconstruction of southern Lebanon. The United Nations will give its full support to this plan, and calls on donor countries to help the Government through the provision of necessary financial and technical assistance. I envisage an increase in the civilian staff of UNIFIL to facilitate this work.

Resources required by the Force

31. In order to carry out its responsibilities under resolution 425 (1978), in the light of the current and projected security situation in southern Lebanon and taking into account the additional territory that it would have to cover following the Israeli withdrawal, UNIFIL would require phased reinforcement.

32. To enable UNIFIL to carry out its tasks related to confirmation of the Israeli withdrawal, the existing six infantry battalions are being increased and also provided with additional armoured personnel carriers. The Force would also require two additional helicopters with their crews and a number of engineer detachments specialized in explosive ordnance disposal, mine reconnaissance and mine-clearing operations. Additional logistics capability would also be required to support this increase. The total troop strength for carrying out the tasks related to confirming the withdrawal would thus increase from the present level of 4,513 to approximately 5,600.

33. Once the Israeli withdrawal is confirmed and if the security situation permits, UNIFIL would have to be immediately reinforced with two mechanized infantry battalions and the engineer component of the Force would be increased to regimental level. These reinforcements should be deployed immediately after the withdrawal has been confirmed. Monitoring equipment, including that for airspace and territorial waters, would also be required at that time. With these reinforcements, the strength of UNIFIL would be brought to a total of eight battalions plus appropriate support units, or approximately 7,935 peacekeepers.

34. Owing to constraints of time, the troop reinforcements will be required to possess a high degree of self-sufficiency and the capability to deploy to the mission area using their own national assets. This is a requirement if UNIFIL is to have the capacity to fulfil its responsibilities under resolutions 425 (1978) and 426 (1978). The contingents will be selected in consultation with the Security Council and the parties concerned in accordance with the guidelines for UNIFIL approved under resolution 426 (1978).

35. Should the resources requested in the present report not be made available in a timely manner, the consequence could be that the confirmation of the withdrawal would be slowed; UNIFIL could be unable to cover adequately its full area of operations; and, in particular, it would be capable of providing only a limited presence in those areas not covered at present by the Force.

Observations

36. Over the past several days, the situation on the ground in southern Lebanon has begun to change very rapidly. Resolutions 425 (1978) and 426 (1978) called not only for an Israeli withdrawal from Lebanon but provided for the means, supported by UNIFIL, whereby the withdrawal could lead to enhanced conditions for international peace and security and the return of the effective authority of the Government of Lebanon in the area. Unilateral actions which undermine the possibility of fully implementing those resolutions could lead to a situation in which the United Nations would not be a position to carry out its mandated responsibilities. In my view, this would not only have negative consequences for Lebanon itself, but could well have wider implications for the region.

37. For 22 years, United Nations peacekeepers have served in southern Lebanon at the request of the Government of Lebanon. This is one of the longest standing peacekeeping commitments of the United Nations anywhere in the world. The United Nations

feels a special duty to the people of Lebanon to do everything in its power to ensure that resolution 425 (1978) is implemented fully and unconditionally. If all parties concerned commit themselves to meeting this objective, UNIFIL will soon be able to fulfil, finally, the task which it was mandated to do over two decades ago.

38. Time is very short: approximately six weeks remain before the deadline of 7 July 2000 set by the Government of Israel for the completion of the withdrawal of its forces from Lebanon. The present report sets out the minimum conditions and requirements which must be met if resolution 425 (1978) is to be implemented fully and without conditions and if the United Nations is to be in a position to fulfil its responsibilities. An important first step will be for all parties addressed in this report to provide assurances that their full cooperation will be given in implementing the recommendations contained in this report.

39. The United Nations can continue its role only at the request of the Government of Lebanon and with the Government's full support and cooperation. This support is particularly important as it is the principal source of the peacekeeping mission's legitimacy in the eyes of the Lebanese people. The cooperation of all other concerned parties is also vital. In this connection, I appreciate the Palmyra Declaration issued on 4 May 2000 by the Foreign Ministers of Egypt, Saudi Arabia and the Syrian Arab Republic. I hope that all concerned parties in the region and beyond will provide unconditional support for the United Nations to undertake its responsibilities in Lebanon.

40. For the Government of Israel, I have defined the main requirements which would have to be met in order for the United Nations to confirm that the Israeli withdrawal has been completed in full compliance with resolutions 425 (1978) and 426 (1978). These requirements include the withdrawal of Israel's military and civilian personnel from Lebanon; the dismantling by Israel of the SLA command structure, the cessation of logistical support and supplies from Israel to SLA and the removal of its heavy weapons; and the handing over of prisoners in Al-Khiam detention centre. The United Nations will also require the full cooperation of the Government of Israel in identifying the withdrawal line.

41. From the Government of Lebanon, I have requested full cooperation in the process of identifying, on the ground, the line to be used for the purpose of confirming the withdrawal as recommended in this report. The return of the effective authority of the Government will require decisive and prompt action by the Government to resume public services as well as law and order functions and to resume its responsibility for providing for security and safety throughout the area.

42. From the Government of the Syrian Arab Republic, the United Nations will require full cooperation on all relevant matters, including in identifying on the ground that portion of the Lebanese-Syrian boundary necessary to confirming the withdrawal. On 21 May 1991 a Treaty of Brotherhood, Cooperation and Coordination was signed between the Syrian Arab Republic and the Lebanese Republic. In this connection, I greatly appreciated the clear pledge of support for the United Nations made by the Foreign Minister, Mr. Al-Shara', and will count on such support as the United Nations implements its responsibilities under resolutions 425 (1978) and 426 (1978).

43. Lebanese and other armed groups in Lebanon, and Member States having influence over them, must provide their cooperation and support to UNIFIL to implement resolution 425 (1978). Only with the support of all parties concerned will it be possible for peace and security to be restored in southern Lebanon.

44. I must also emphasize that before, during and after the withdrawal all interested parties should exercise maximum restraint both in their actions and in their public statements. It is vital to avoid action or rhetoric that could lead to an escalation of tensions during such a sensitive period.

45. From the States Members of the United Nations, the additional troops required by UNIFIL in the phased reinforcements recommended above must arrive in the theatre in full strength and on time.

46. If the Security Council agrees with the recommendations contained in this report, I will proceed accordingly. My Special Envoy and his team will then return to the region to pursue the implementation of the plans contained in this report. I would also request the General Assembly to provide the necessary financial resources.

47. If the conditions identified in the present report do not materialize in a timely manner, UNIFIL will not be in a position to carry out its mandated tasks. In such a situation I would revert to the Security Council with recommendations, which, in the absence of viable alternatives, may have to include the withdrawal of UNIFIL.

48. Finally, I should like to emphasize once again that, while resolution 425 (1978) stands alone in its requirements, it is my strong hope that the full implementation of that resolution will help to spur progress in the remaining tracks of the Middle East peace process, including the Lebanese, Syrian and Palestinian tracks. The attainment of a just, lasting and comprehensive peace in the Middle East, based on the principle of land for peace and the implementation of Security Council resolutions 242 (1967) and 338 (1973) and other relevant resolutions, is our ultimate, common objective.

Map 4140 United Nations
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Cartographic Section